

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHARIAH CARSWELL,)	
)	
Plaintiff,)	2:19-cv-1580
)	
vs.)	
)	District Judge Robert J. Colville
STEAK N SHAKE, INC.,)	Chief Magistrate Judge Cynthia Reed Eddy
)	
Defendant.)	

ORDER OF COURT

Before the Court is the Honorable Cynthia Reed Eddy’s July 27, 2021 Report and Recommendation (ECF No. 53), which recommends that the Motion for Summary Judgment (ECF No. 46) filed by Defendant Steak ‘n Shake, Inc. be granted in part and denied in part. The Report and Recommendation specifically recommends that the Motion be denied with respect to Plaintiff’s retaliation claims and claims for punitive damages under Title VII and Section 1981, and that the Motion be granted in all other respects. Objections to Judge Eddy’s Report and Recommendation were due by August 10, 2021. No objections were filed, and the matter is now ripe for disposition.

With respect to dispositive matters, the reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues

raised by the report,”” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon consideration of Judge Eddy’s July 27, 2021 Report and Recommendation, it is hereby ORDERED as follows:

The Court accepts and adopts Judge Eddy’s Report and Recommendation in its entirety as the opinion of the Court. Defendant’s Motion for Summary Judgment is denied with respect to Plaintiff’s retaliation claims under Title VII (Count I), Section 1981 (Count II), and the PHRA (Count III), and is further denied with respect to Plaintiff’s claims for punitive damages under Title VII and Section 1981.¹ The Motion is granted in all other respects.

BY THE COURT:

s/Robert J. Colville
Robert J. Colville
United States District Judge

DATED: August 11, 2021

cc: Honorable Cynthia Reed Eddy
Chief United States Magistrate Judge

All Counsel of Record by electronic filing

¹ In so holding, the Court accepts and adopts Judge Eddy’s recommendation that summary judgment be granted as to punitive damages under the PHRA. See Report and Recommendation 19 n.2, ECF No. 53.